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U.S. DISTRICT COURT
N.D. OF ALABAMA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

ANTHONY L. NELSON,	§	
	§	
Plaintiff,	§	
	§	
v.	§	**Case No.:** ____________
	§	
LVNV FUNDING LLC; EQUIFAX INFORMATION SERVICES, LLC; and EXPERIAN INFORMATION SOLUTIONS, INC.,	§ § § §	
	§	
	§	
Defendants.	§	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441(a), Defendant Experian Information Solutions, Inc. ("Experian") hereby files its Notice of Removal of the above-captioned action to this Court and states as follows:

A. Introduction

1. Experian is a named Defendant in civil action no. CV-2011-903628.00 filed in the Circuit Court of Jefferson County, Alabama (the "State Court Action").

2. The Complaint in the State Court Action was filed with the Clerk of the Circuit Court on October 12, 2011. The Complaint names Experian, LVNV

Funding LLC ("LVNV"), and Equifax Information Services, LLC ("Equifax"). Experian was served with process on October 14, 2011.

3. Equifax consents to this removal. *See* Exhibit A.

4. LVNV consents to this removal. *See* Exhibit B.

5. This Notice is being filed with this Court within thirty (30) days after Experian received a copy of the summons and Plaintiff's initial pleading setting forth the claims for relief upon which Plaintiff's action is based and is thus timely filed under 28 U.S.C. § 1446(b).

B. Basis for Removal

6. Experian is a corporation which, for monetary fees, regularly engages in whole or in part in the practice of assembling consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties. Experian uses means or facilities of interstate commerce for the purpose of preparing or furnishing consumer reports, and therefore is a "consumer reporting agency" within the meaning of 15 U.S.C. § 1681a(f).

7. Removal is proper because Plaintiff's suit involves a federal question. *See* 28 U.S.C. §§ 1331, 1441(b); *Grable & Sons Metal Prods., Inc. v. Darue Eng'g & Mfg.*, 545 U.S. 308, 312 (2005). Specifically, Plaintiff's claims arise under the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq*. *See* Complaint at ¶¶ 57-65, attached hereto as Exhibit C. Thus, this Court has federal question jurisdiction

over this action pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1681p, and this case may properly be removed to this United States District Court pursuant to 28 U.S.C. § 1441(a) and (b).

8. Further, this Court has supplemental jurisdiction over Plaintiff's claims based on Alabama state law. *See* 28 U.S.C. § 1367. Plaintiff also alleges claims against Experian for (1) negligent, reckless, wanton, malicious, and/or intentional conduct; and (2) negligence in hiring, supervising, and/or training. *See* Complaint at ¶¶ 73-85. Those claims arise from the same set of operative facts relating to Plaintiff's federal claims. Accordingly, each of those claims is related to Plaintiff's federal question claims and forms a part of the same case and controversy pursuant to 28 U.S.C. § 1367(a).

9. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the action has been pending is located in this district.

10. In compliance with 28 U.S.C. § 1446(a), Experian attaches all of the pleadings and processes as Exhibit C. No Orders have been issued in the State Court Action.

11. Promptly after the filing of this Notice of Removal, Experian shall provide notice of the removal to Plaintiff and to the Clerk of the Court in the State Court Action, as required by 28 U.S.C. § 1446(d).

C. Jury Demand

12. Plaintiff demanded a jury in the State Court Action.

D. Conclusion

13. For these reasons, Experian asks the Court to remove the action to this federal court.

Dated: November 11, 2011

Respectfully submitted,

L. Jackson Young, Jr.
Attorney for Experian Information Solutions, Inc.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of November, 2011, I caused the foregoing to be served via United States First-Class Mail with appropriate postage attached thereto to counsel of record.

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